

REGULAR MEETING OF THE  
CONCORD CITY COUNCIL AND  
REDEVELOPMENT AGENCY  
CITY COUNCIL CHAMBER  
1950 PARKSIDE DRIVE  
CONCORD, CALIFORNIA  
SEPTEMBER 5, 2006

The Concord City Council met on Tuesday, September 5, 2006, in the City Council Conference Room at 1950 Parkside Drive. The meeting convened at 5:30 p.m. with Mayor Bonilla presiding. Councilmembers Hoffmeister and Shinn were absent and there were no public comments. The Council recessed at 5:35 p.m. to convene in closed session to confer 1) regarding Real Property Negotiations pursuant to Government Code Section 54956.8 – re 1701 and 1711 Concord Avenue (APN 112-101-022); Agency Negotiator: Jim Forsberg, Director of Planning & Economic Development; Negotiating Parties: Mid-penninsula Housing Coalition, Mary M. Sabral, Revocable Living Trust; Under Negotiation: Price and terms of payment for possible acquisition of property; 2) regarding Real Property Negotiations pursuant to Government Code Section 54956.8 – re Waterworld site (APN 126-310-011); Property: Waterworld site; City Negotiator: Jim Forsberg, Director of Planning and Economic Development; Negotiating Party: Six Flags Waterworld Concord; Under Negotiation: Price and terms of payment for possible sale of City-owned property; and 3) Conference with Legal Counsel to discuss anticipated litigation pursuant to Government Code Section 54956.9(c): [One potential case]. The meeting adjourned at 6:10 p.m. to reconvene in the City Council Chamber.

A regular meeting of the Concord City Council and Redevelopment Agency convened at 6:35 p.m. in the City Council Chamber with Mayor/Agencymember Bonilla presiding. The pledge to the flag was led by Councilmember Allen. Minutes follow in abbreviated form per Resolution 3361 and Council Minutes of September 26, 1966.

ROLL CALL

COUNCILMEMBERS PRESENT: Helen Allen, Mark Peterson, Susan Bonilla

COUNCILMEMBERS ABSENT: Laura Hoffmeister, Bill Shinn

STAFF PRESENT: Lydia Du Borg, City Manager; Mark Deven, Assistant City Manager; Craig Labadie, City Attorney; Mary Rae Lehman, City Clerk; Alex Pascual, Director of Building, Engineering, and Neighborhood Services; Jim Forsberg, Director of Planning and Economic Development; Qamar Khan, Director of Public Works; Michael Wright, Reuse Project Director; Helen Bean, Redevelopment/Economic Development Manager

MEMBERS OF THE AUDIENCE  
WHO ADDRESSED COUNCIL:

Greg Enholm, Bay Point; Brad Kimbrough, Concord; Joseph Partansky, Concord; Jerry Cummings, Los Gatos; Joan Tomasini, Concord; Denice A. Dennis, Martinez; Noah Rouhani, Concord

### PUBLIC COMMENT PERIOD

Joseph V. A. Partansky shared information regarding Disaster Preparedness events and contacts and made comments about the correspondence listing on the evening's agenda.

Mayor Bonilla and Captain Stuart Roloson invited the public to attend the City-sponsored Emergency Preparedness Fair scheduled for September 23, 2006 at Todos Santos Park.

Greg Enholm, Bay Point, expressed his desire to see a well-planned, large-scale sports park with multi-purpose fields on the Concord Naval Weapons Station property.

Brad Kimbrough, Concord, expressed his appreciation of the contributions Helen Allen has made over the years as a Councilmember, stated his opinion that garage sale notices that remain on utility poles after the sale has occurred has a negative impact on the City, and expressed his views on the need for additional police officers.

### PRESENTATION

Qamar Khan, Director of Public Works, and Jim Haggerty, Transportation Program Coordinator, presented a report on the Monument Corridor Community Based Transportation Plan, referencing a study prepared by Metropolitan Transportation Commission (MTC) which states that 18% of the residents within the Monument Corridor didn't own a transportation vehicle which made the area an ideal candidate for a Life-Line grant funding request. They explained that as part of the grant process, the City, Monument Community Partnership, Transportation and Land Use Coalition, and County Connection had developed a plan that identified several short, medium and long-term strategies to help close the transportation gaps existing in the Corridor, including expansion of Bus Route 111, a short-term strategy, which has already been funded by the Metropolitan Transportation Commission. A second short term strategy to implement the "Monument Community Shuttle" may be feasible, they stated, if a collaborative grant application is successful.

They explained that the Monument Corridor is one of the most densely populated neighborhoods in Contra Costa County, ranking as one of the most ethnically diverse, yet vital services are not centrally located and alternative transportation options are critical for the residents to gain access to needed services. The successful receipt of Life-Line grant funds would be used for a proposed shuttle route operated by Laidlaw Transportation under contract to County Connection, which would provide transportation every 30 minutes with six scheduled location stops in the Monument Corridor, and then traveling to Contra Costa Boulevard for a final stop at Sunvalley Mall which would allow transfer to County Connection's Express Route 980 for easy access to the County Regional Medical Center in Martinez. The route would be based on the "point deviation" model of service, they continued, which would allow the shuttle to deviate from its route to pick up special needs riders.

### ANNOUNCEMENTS

Mayor Bonilla announced the recruitment of applicants to Concord's Community Advisory Committee for the Concord Reuse Project and designated September 15, 2006 as the deadline for the receipt of applications in the City offices.

Mayor Bonilla announced the formation of an Ad Hoc Committee on Rental Housing and appointed herself and Councilmember Shinn to serve on the Committee.

CITY COUNCIL  
MATTERS

APPROVAL OF MINUTES

Motion was made by Allen and seconded by Bonilla to approve the minutes of July 11, July 25, and August 1, 2006. Motion passed by the following vote of the Council:

AYES: Allen, Peterson, Bonilla                      NOES: None                      ABSENT: Hoffmeister, Shinn

AGREEMENT WITH CONTRA COSTA COUNTY - Animal Control Services

Motion was made by Allen and seconded by Bonilla to approve an amendment to a contract with Contra Costa County for Animal Control Services for Fiscal Year 2006-07 in the amount of \$450,521 and to authorize the City Manager to approve the amendment and any future annual amendments based upon per capita increases. Motion passed by the following vote of the Council:

AYES: Allen, Peterson, Bonilla                      NOES: None                      ABSENT: Hoffmeister, Shinn

SETTING OF PUBLIC HEARING

Motion was made by Allen and seconded by Bonilla to set a public hearing for Tuesday, October 3, 2006 at 6:30 p.m. in the Council Chambers to consider an appeal submitted by Ray Keena of the Planning Commission's decision (4-1; Costa, No) to approve an application by John Heinrich for the erection of a 50'6" tall tower/antenna structure at 1755 Woodcrest Drive, property located in a Low Density, Single Family Residential area. Motion passed by the following vote of the Council:

AYES: Allen, Peterson, Bonilla                      NOES: None                      ABSENT: Hoffmeister, Shinn

AGREEMENT WITH MAZE AND ASSOCIATES – Security Audit of Credit Card Transactions

Motion was made by Allen and seconded by Bonilla to approve a professional services agreement with Maze and Associates in an amount up to \$90,000 covering the period September 1, 2006 through June 30, 2008 for the purpose of conducting required formal security audits of credit card transactions, and to authorize the City Manager to execute the agreement. Motion passed by the following vote of the Council:

AYES: Allen, Peterson, Bonilla                      NOES: None                      ABSENT: Hoffmeister, Shinn

ACCEPTANCE OF IMPROVEMENTS – Valley District Field Office, Project 2030

Motion was made by Allen and seconded by Bonilla to accept the improvements for Project No. 2030, Valley District Field Office Improvements, constructed by Anthony B. Kohler Construction Company of Oakley, and to direct the City Clerk to file the Notice of Completion. Motion passed by the following vote of the Council:

AYES: Allen, Peterson, Bonilla                      NOES: None                      ABSENT: Hoffmeister, Shinn

CONFIRMATION OF APPOINTMENT BY PARKS, RECREATION AND OPEN SPACE COMMISSION

Motion was made by Allen and seconded by Bonilla to confirm the appointment made on June 14, 2006 by the Parks, Recreation and Open Space Commission of Wesley Panek as the new youth member on the Commission. Motion passed by the following vote of the Council:

AYES: Allen, Peterson, Bonilla                      NOES: None                      ABSENT: Hoffmeister, Shinn

AGREEMENT WITH VASCONI-BELKA REALTY – Use of Parking Lot by First 5 Center

Motion was made by Allen and seconded by Bonilla to approve a lease agreement with Vasconi-Belka realty for use of a privately-owned, paved parking lot by Monument Community First 5 Center participants, and to authorize the City Manager to execute the agreement. Motion passed by the following vote of the Council:

AYES: Allen, Peterson, Bonilla                      NOES: None                      ABSENT: Hoffmeister, Shinn

ACCEPTANCE OF IMPROVEMENTS – Damaged Guardrail on Bailey Road, RFB #2052

Motion was made by Allen and seconded by Bonilla to accept the improvements for the Replacement of the Damaged Guardrail on Bailey Road near the North City Limit Line, RFB #2052, constructed by Bumgarner, Inc., and to direct the City Clerk to file the Notice of Completion. Motion passed by the following vote of the Council:

AYES: Allen, Peterson, Bonilla                      NOES: None                      ABSENT: Hoffmeister, Shinn

ACCEPTANCE OF IMPROVEMENTS – 2006 Slurry Seal Program, RFB #2038

Motion was made by Allen and seconded by Bonilla to accept the improvements for the 2006 Slurry Seal Program, RFB #2038, constructed by Bond Blacktop, Inc., and to direct the City Clerk to file the Notice of Completion. Motion passed by the following vote of the Council:

AYES: Allen, Peterson, Bonilla                      NOES: None                      ABSENT: Hoffmeister, Shinn

SETTING FOR PUBLIC HEARING

Motion was made by Allen and seconded by Bonilla to set a public hearing on Tuesday, September 26, 2006 at 6:30 p.m. in the Council Chamber to consider a proposed amendment to the Concord Municipal Code which would revoke in its entirety Chapter 102 (Telecommunications), and Article II (Cable Communications), and replace with a new Chapter 102 (Telecommunications), and Article II (Cable Communications), to update standards. Motion passed by the following vote of the Council:

AYES: Allen, Peterson, Bonilla                      NOES: None                      ABSENT: Hoffmeister, Shinn

SETTING FOR PUBLIC HEARING

Motion was made by Allen and seconded by Bonilla to set a public hearing on Tuesday, September 26, 2006 at 6:30 p.m. in the Council Chamber to consider a 15-year, non-exclusive cable television franchise agreement with Comcast, renewing the current agreement with new terms and conditions. Motion passed by the following vote of the Council:

AYES: Allen, Peterson, Bonilla                      NOES: None                      ABSENT: Hoffmeister, Shinn

AGREEMENT WITH C. L. WILLIAMS ASSOCIATES – Emergency Preparedness Coordination

Motion was made by Allen and seconded by Bonilla to approve an agreement in the amount of \$137,280 with C. L. Williams Associates, Inc., to provide Emergency Preparedness Coordination Services, and to authorize the City Manager to execute the agreement. Motion passed by the following vote of the Council:

AYES: Allen, Peterson, Bonilla                      NOES: None                      ABSENT: Hoffmeister, Shinn

ACCEPTANCE OF IMPROVEMENTS – Galindo House and Gardens Landscaping, Project No. 1991

This item was pulled from the agenda by Vice Mayor Mark Peterson who stated that he did not like the color that the Galindo House had been recently painted. Motion was made by Allen and seconded by Bonilla to accept the improvements for Project No. 1991, Galindo House and Gardens Landscaping, constructed by McNabb Construction, Inc. DBA Parks-Rec.Com of Lafayette; and to direct the City Clerk to file the Notice of Completion. Motion passed by the following vote of the Council:

AYES: Allen, Peterson, Bonilla                      NOES: None                      ABSENT: Hoffmeister, Shinn

AMENDMENT OF RECORDS RETENTION SCHEDULE

This item was pulled from the agenda by Joseph Partansky who asked for a summary of the changes. Following a response by the City Clerk, a motion was made by Allen and seconded by Bonilla to amend the Citywide and Departmental Records Retention Schedules to reflect administrative and legal changes that have occurred since January 2005. Motion passed by the following vote of the Council:

AYES: Allen, Peterson, Bonilla                      NOES: None                      ABSENT: Hoffmeister, Shinn

ADOPTION OF RESOLUTION 06-58 – Reward for Information

This item was pulled from the agenda by Vice Mayor Peterson who commended the Concord Police Department for the work they had done toward the successful apprehension of the individual responsible for the assault and murder of Kathleen Aiello-Loreck. Motion was made by Peterson and seconded by Allen to adopt Resolution 06-58, entitled "A RESOLUTION ESTABLISHING A REWARD NOT TO EXCEED \$10,000 FOR INFORMATION LEADING TO THE ARREST AND CONVICTION OF THE PERSON OR PERSONS RESPONSIBLE FOR THE MURDER OF KATHLEEN AIELLO-LORECK ON OR ABOUT MAY 13, 2003." Motion passed by the following vote of the Council:

AYES: Allen, Peterson, Bonilla                      NOES: None                      ABSENT: Hoffmeister, Shinn

INTRODUCTION OF ORDINANCE 06-10 – AMENDMENT TO THE CONCORD MUNICIPAL CODE – Tobacco Retailers License Ordinance

A notice of Public Hearing was published in the Contra Costa Times, mailed to interested parties, and posted in the posting cabinet at the Civic Center on August 25, and August 30, 2006.

Director of Community and Recreation Services Joan Carrico gave a report, referring to her memorandum dated September 5, 2006, stating that the City Council had directed staff, at their meeting held July 25, 2006, to develop amendments to the Concord Municipal Code establishing a Tobacco Retailers License Program and fee structure. She advised that the County Tobacco Prevention Coalition and County Health Services Department supported the recommendation and explained the success the County Tobacco Prevention Project had experienced with their similar program.

The public hearing was opened.

Jerry Cummings, Los Gatos, representing Robinson Oil Corporation, stating that as President of 32 Rotten Robby Service Stations, he was opposed to the proposed ordinance for it could potentially impact the ancillary sales at his business locations.

Joan Tomasini, Concord, Program Coordinator for the Countywide Youth Commission, expressed her support of the ordinance as a deterrent for youth to purchase tobacco products.

Denice Dennis, Martinez, representing Contra Costa Health Services, stated that the County was in full support of the ordinance and commended the City staff for their efforts. She also stated, following a question from Vice Mayor Peterson, that Dr. Wendell Brunner, Hearing Officer for the County, typically imposes a 10 day suspension.

Noah Rouhani, Concord, stated that he was a business owner who sells tobacco products and leaves his store operations to employees. He commented that he did not feel business owners should be penalized for a mistake his employee might make in selling tobacco to a minor.

Following the close of the public hearing and comments by the Councilmember, a motion was made by Peterson and seconded by Allen to introduce Ordinance 06-10 by reading of the title only and waiving further reading, entitled "AN ORDINANCE AMENDING CONCORD MUNICIPAL CODE BY REPEALING CHAPTER 38 (HEALTH AND SANITATION), ARTICLE III (TOBACCO ADVERTISING RESTRICTIONS), SECTIONS 38-61 THROUGH 38-77 AND ADDING CHAPTER 38 (HEALTH AND SANITATION), ARTICLE III (TOBACCO RETAILERS LICENSE PROGRAM), SECTIONS 38-61 THROUGH 38-80" and establishing the authority to charge a fee for the program. The motion passed by the following vote:

AYES: Allen, Peterson, Bonilla

NOES: None

ABSENT: Hoffmeister, Shinn

Mayor Bonilla called a recess at 8:00 p.m. and reconvened the meeting at 8:21 p.m.

JOINT CITY COUNCIL/  
REDEVELOPMENT AGENCY

ADOPTION OF ORDINANCE 06-9 (UNCODIFIED) – Central Concord Redevelopment Plan Debt Time Limit

Motion was made by Allen and seconded by Bonilla to adopt Ordinance 06-9 (Uncodified), entitled "AN UNCODIFIED ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CONCORD AMENDING THE CENTRAL CONCORD REDEVELOPMENT PLAN TO EXTEND BY ONE YEAR THE TIME LIMITS ON THE EFFECTIVENESS OF THE PLAN AND THE TIME LIMIT TO RECEIVE PROPERTY TAXES AND REPAY INDEBTEDNESS." Motion passed by the following vote of the Agency:

AYES: Allen, Bonilla, Peterson

NOES: None

ABSENT: Hoffmeister, Shinn

ADOPTION OF RESOLUTION 06-687 – Proposed Amendment No. 13 to the Redevelopment Plan

Redevelopment/Economic Development Manager Helen Bean presented a report, referring to her memorandum dated September 5, 2006, stating that the Redevelopment Agency is in the process of amending its Redevelopment Plan for the primary purpose of adding area to the Plan. She stated that the process for amending the Redevelopment Plan began in November 2004 and that three areas were being proposed: North Concord Sub-area, Willow Pass Corridor Sub-area, and Monument Boulevard Corridor Sub-area. She stated that the Planning Commission had reviewed and approved the Preliminary Plan and that three workshops had been held to review the goals and objectives. She further advised that three additional workshops would be held in each of the sub-areas, prior to a public hearing on the matter scheduled for October 3, 2006. Ms. Bean summarized a Report to Council on the Plan Amendment, and concluded by requesting the approval of the Report on the Redevelopment Plan Amendment and its submittal to the City Council, along with the approval by the City Council to receive all or a portion of the tax revenues in a pass-through so the funds can be kept in the City's General Fund.

Motion was made by Allen and seconded by Peterson to adopt Redevelopment Agency Resolution 06-687, entitled "A RESOLUTION APPROVING THE REPORT TO CITY COUNCIL ON PROPOSED AMENDMENT NO. 13 TO THE REDEVELOPMENT PLAN FOR THE CENTRAL CONCORD REDEVELOPMENT PROJECT AND SUBMITTING THE REPORT, PROPOSED AMENDMENT AND DRAFT ENVIRONMENTAL IMPACT REPORT RELATING THERETO TO THE CITY COUNCIL ." The motion passed by the following vote of the Agency:

AYES: Allen, Bonilla, Peterson      NOES: None      ABSENT: Hoffmeister, Shinn

Motion was made by Allen and seconded by Peterson to adopt Resolution 06-57, entitled "A RESOLUTION ELECTING TO RECEIVE TAX REVENUES PURSUANT TO HEALTH AND SAFETY CODE SECTIONS 33676 AND 33607.5." The motion passed by the following vote of the Agency:

AYES: Allen, Bonilla, Peterson      NOES: None      ABSENT: Hoffmeister, Shinn

CITY COUNCIL SITTING AS THE  
LOCAL REUSE AUTHORITY

DEPARTMENT OF DEFENSE GRANT – Office of Economic Adjustment

Motion was made by Allen and seconded by Peterson to accept a grant from the Department of Defense, Office of Economic Adjustment (OEA) in the amount of \$563,998 for support of the Concord Naval Weapons Station Reuse Project Management Office (PMO) to provide operating costs for a ten-month period from September 1, 2006 to June 30, 2007. Motion passed by the following vote of the Authority:

AYES: Allen, Peterson, Bonilla      NOES: None      ABSENT: Hoffmeister, Shinn

CORRESPONDENCE

- a. Treasurer's Report for the month of June, 2006.
- b. Treasurer's Report for the month of July, 2006.
- c. Letter dated August 9, 2006 to Senator K. Murray opposing AB 2987 (Nunez) – Digital Infrastructure & Video Competition Act of 2006.
- d. Letter dated August 9, 2006 to Senator T. Torlakson opposing AB 2987 (Nunez) – Digital Infrastructure & Video Competition Act of 2006.
- e. Letter dated August 21, 2006 to Senator D. Feinstein opposing H.R. 5252 – Advanced Telecom and Opportunities Reform Act.
- f. Letter dated August 21, 2006 to Senator B. Boxer opposing H.R. 5252 – Advanced Telecom and Opportunities Reform Act.
- g. Letter dated August 21, 2006 to Assemblyman J. Canciamilla opposing SB 1322 (Cedillo) – Housing.

- h. Letter dated August 21, 2006 to Senator R. Torlakson opposing SB 1404 (Machado) Vehicles: Parking Violations, Street Cleaning.
- i. Letter dated August 22, 2006 to Assemblyman J. Canciamilla opposing SB 1206 (Kehoe) Redevelopment.
- j. Letter dated September 5, 2006 submitted by Greg Enholm, Bay Point, supporting his public comments.

CLOSED SESSION REPORTS

City Attorney Craig Labadie reported that in a closed session held prior to the evening's meeting, the City Council, by a vote of 3-0-2 (Hoffmeister, Shinn - absent) approved a settlement agreement with Comcast for the payment of \$90,000 to compensate the City for inspection services provided in connection with Comcast's system upgrade project.

COUNCIL AND STAFF REPORTS

Councilmember Allen announced that she and Councilmembers Hoffmeister and Shinn would be attending the League of California Cities conference in San Diego.

By order of the chair, the meeting was adjourned at 8:20 p.m.

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SUSAN A. BONILLA  
MAYOR/AGENCYMEMBER

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HELEN M. ALLEN  
COUNCILMEMBER/AGENCY VICE CHAIR

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MARY RAE LEHMAN  
CITY CLERK/AGENCY SECRETARY